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F I L E D
MAY 12 2006

DEPARTMENT OF MANAGED HEALTH CARE

By Susan Ball
Filing Clerk

8 Attorneys for the Department of Managed Health Care

9 BEFORE THE DEPARTMENT OF MANAGED HEALTH CARE

10 OF THE STATE OF CALIFORNIA

11 IN THE MATTER OF:

12 Kaiser Foundation Health Plan, Inc.,

13 Respondent.

) Enforcement Matter No.: 06-162

) OAH No.:

14) **ORDER RE KAISER FOUNDATION**
15) **HOSPITALS' SAN FRANCISCO KIDNEY**
16) **TRANSPLANT MEDICAL CENTER**

16 The Director of the Department of Managed Health Care, by and through her designee,
17 Assistant Deputy Director, Amy L. Dobberteen, makes the following Order requiring Kaiser
18 Foundation Health Plan, Inc., (hereafter Kaiser), to file a transition plan with the Department
19 prior to suspending the kidney transplant program at Kaiser Foundation Hospitals' San Francisco
20 Medical Center (hereafter Center) and imposing a Monitor at the Center. This Order is issued as
21 a result of Kaiser's letter to the Department dated May 12, 2006 stating its intention to suspend
22 all operations in the kidney transplant program. It is made after consideration and weighing of
23 the following factors, among others: ensuring that medical services are readily available to
24 Kaiser enrollees, guaranteeing continuity of care and access to care for affected Kaiser
25 enrollees', and recognizing the paramount importance of patient safety.

26 This Order is based upon the Director's statutory authority in Health and Safety Code
27 section 1344(a) to adopt such orders as are necessary to carry out the provisions of the Knox-
28 Keene Act; in particular, section 1352(b), governing departmental approval of material

1 modifications of plan functioning; section 1367(d), requiring continuity of care; and section
2 1367(e)(1), mandating that all services be readily available at reasonable times to each enrollee
3 consistent with good professional practice. This Order is further based on the Director's
4 authority, conferred by section 1391(a)(1), to order cessation of acts in violation of the Knox-
5 Keene Act, and sections 1391.5 and 1393(b), to safeguard against the possibility of harm or
6 injury to Kaiser's enrollees.

7 **THEREFORE, IT IS HEREBY ORDERED:**

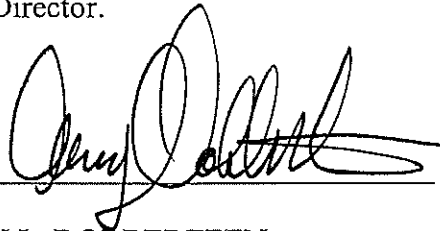
- 8 1. that Kaiser shall file a notice of material modification of plan functions
9 that sets forth a comprehensive transition plan for care of patients now
10 assigned to the Center, and shall not suspend kidney transplant services at
11 the Center until the Department has approved that plan, which must
12 include, but is not limited to:
 - 13 a. ensuring continuity of care for patients;
 - 14 b. ensuring the ready access to medical services for enrollees, at the
15 pre-operative stage, during transplant surgery, and during post-
16 operative care, providing appropriate medications; organ
17 procurement; verifying the capacity of other organizations to
18 accept transfer of patients;
 - 19 c. taking all necessary and reasonable steps with United Network for
20 Organ Sharing (UNOS) to effect the coordination of enrollees'
21 transfers in order to preserve enrollees' accrued waiting times;
- 22 2. that the Monitor to be selected by the Department shall have immediate and
23 unrestricted access to all of the books and records and information about all
24 aspects of the operation and administration of Kaiser Foundation Health Plan and
25 any affiliated entity regarding the operation of the kidney transplant program at
26 the Center, and, in particular, all information relating to ensuring that continuity
27 of care is provided to all Kaiser Foundation Health Plan enrollees and ensuring
28 that all services will be readily available at reasonable times to each enrollee

1 consistent with good professional practice; and that Kaiser shall keep the Monitor
2 fully informed concerning its activities to provide completion of covered services
3 for the period of time necessary to complete any currently existing course of
4 treatment and to arrange for a safe transfer to another provider or facility, both at
5 the treatment planning stage and after completion;

6 3. that Kaiser shall have sufficient staff available to answer, in person, on a
7 24-hour basis immediately and over the weekend of May 12-14, 2006, any
8 and all calls and contacts by enrollees or their representatives and shall
9 compile a written report of those calls, the substance of callers' inquiries
10 and Kaiser's responses, summarized and categorized by issue; and

11 4. that this Order shall be effective immediately and shall continue in full
12 force and effect until further Order of the Director.

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14 Dated: May 12, 2006



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16 AMY L. DOBBERTEN
17 Assistant Deputy Director
18 Department of Managed Health Care
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